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C O N F I D E N T I A L SECTION 01 OF 03 BEIRUT 001546

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NSC FOR ABRAMS/DORAN/WERNER/SINGH

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TAGS: [PREL](#) [PTER](#) [KCRM](#) [CASC](#) [KDEM](#) [LE](#)
SUBJECT: MGLE01: IO A/S SILVERBERG'S 15 MAY MEETING WITH
JUSTICE MINISTER RIZK

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Classified By: Ambassador Jeffrey D. Feltman. Reason: Sections 1.4 (b)
) and (d).

SUMMARY

¶1. (C) Lebanese Minister of Justice Charles Rizk asked for Assistant Secretary Silverberg's assistance in pushing the United Nations to produce a timetable for the establishment of an international tribunal to try suspects in the February 2005 assassination of former Lebanese Prime Minister Rafiq Hariri. Rizk noted that the Lebanese legal process for establishing the tribunal would take several months, increasing the urgency of UN cooperation. Rizk said that the Lebanese should designate an international prosecutor soon, even if it is not UNIIIC Commissioner Serge Brammertz, in order to maintain the investigation's momentum. Rizk added that the UN has justified its delay in producing a timetable because of concerns over the cost of a tribunal; Rizk maintained, however, that the Lebanese would fully cover the costs of the tribunal and that the UN need not be concerned with this basic administrative issue. On the issue of wanted TWA hijacker Mohammad Ali Hamade, Rizk agreed to initiate bilateral talks with the United States on Hamade's legal status, and he instructed senior judge Shukri Sadr to begin talks on this subject with USG officials in Washington next week. While in the U.S., Sadr will also meet with UN officials in New York to follow up on plans for the international tribunal. End summary.

Participants:

Lebanon
Minister of Justice Charles Rizk
Judge Ralph Riachy
Judge Shukri Sadr

United States
A/S Kristen Silverberg
Ambassador Feltman
PAO Juliet Wurr
Matt Pilcher (Embassy Notetaker)
Maya Najm (interpreter)

PUTTING AN INTERNATIONAL
TRIBUNAL IN PLACE

¶2. (C) On May 15, Lebanese Minister of Justice Charles Rizk received IO A/S Silverberg in his office at the Ministry of Justice. The meeting was dominated by a discussion on the status of the UN International Independent Investigation Commission (UNIIIC) and the establishment of an international tribunal to try suspects indicted in Hariri's assassination. During the 75 minute discussion, Rizk returned consistently to several points: 1) the UN needs to provide plans and a timetable for the establishment of an international tribunal soon, and the United States should pressure the UN to provide a timetable within the coming days; 2) in order to maintain the investigation's momentum and ensure it has sufficient resources to follow up on a variety of leads, the Lebanese will appoint a prosecutor general for the investigation soon, probably someone other than UNIIIC Commissioner Serge Brammertz, although Brammertz may assume this role at a later date; 3) securing the GOL's approval and ratification of an international tribunal will probably take until October or November, and will require convening parliament out of session, hence the immediate need for UN support; and 4) one of the primary pretexts for UN footdragging, according to Rizk, is concern over the costs of an international tribunal. Rizk said that the GOL would pay all costs associated with the trial, and that the UN need not concern itself with this issue.

UN FOOTDRAGGING

¶3. (C) Rizk told A/S Silverberg that the UN promised a timetable during Prime Minister Siniora's visit to New York. He said that at that time, Nicolas Michel of the office of the UN Legal Advisor had told him the the UN would have something "within days." "I guess he never said how many days it would be," Rizk said. Rizk asked that the USG work with the UN to pressure them to come up with a calendar for

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creating an international tribunal, but noted that the UN would take some time. A/S Silverberg said she would do so. "We have done our homework, and we are ready to move forward," Rizk said, "but the UN is not."

¶4. (C) Rizk suggested that someone other than UNIIIC Commissioner Serge Brammertz be selected to serve as the prosecutor while Brammertz is still overseeing the UNIIIC investigation. While Brammertz has expressed an interest in staying with the investigation for at least another year, Rizk said that it may be several months before Brammertz is ready to assume the role of prosecutor, and that the Lebanese needed to appoint someone beforehand in order to maintain the investigation's momentum in Lebanon's treacherous political waters, and to ensure that Brammertz is able to focus the Commission's work on preparing the strongest possible case. Rizk also explained that under the UNIIIC's unique agreement with the government of Lebanon, Brammertz, as the UNIIIC's commissioner, is working as an investigator for the Lebanese Ministry of Justice. Rizk said they would need an independent international prosecutor to summon foreign (read: Syrian) suspects, but that if they appointed Brammertz to this position now, they would lose him as the head of the investigative commission.

MONEY IS NOT AN ISSUE

¶5. (C) A/S Silverberg agreed that the UN needs to make concrete steps towards establishing an international tribunal, but that they had concerns with moving forward before decision were made regarding the tribunal's costs. "Don't worry," Rizk said, "we're ready to cover the costs now. The UN shouldn't be concerned about this in any way."

TRIBUNAL AND CHAPTER VII:
WE NEED TO MOVE WHILE

WE HAVE SUPPORT

¶16. (C) Rizk returned to the importance of immediate UN action in establishing an international tribunal, also arguing for the necessity of invoking Chapter VII of the UN charter against Syria. In order to do both of these, he said that the Lebanese and the UN need to act while they have both local and international political winds in their favor. Rizk said that the Lebanese government and National Dialogue have unanimously supported an international tribunal, but that this situation may not last. Likewise, he explained, the UN needs to move while it still has the mandate of unanimous approval of UNSCR 1644. "If the next UN resolution doesn't have unanimous approval," Rizk explained, "we may lose support in Lebanon. At the same time, if we lose support in Lebanon, we'll have a difficult time passing further UN resolutions." Rizk said that in the meantime, the continued support and solidarity of the United States, Britain and France would be essential in guaranteeing support for an international tribunal in Lebanon and on the United Nations Security Council. Rizk said that he has met with the Russian Ambassador to Lebanon and discussed the international tribunal, and that while the Russians seem to be cooperative, he said they would be quick to exploit any perceived weakness and may try to bloc any further UN Security Council resolutions.

THE LEBANESE TIMETABLE

¶17. (C) Judge Ralph Riachy, Lebanon's senior coordinator with the UNIIIC, agreed, and said the Lebanese would need to move quickly in order to have a tribunal ready by this fall. Selecting justices, he said, would be the easy part. But he said there would be considerable administrative issues to plan. Rizk added that assuming they could get an agreement from the UN for the details of a tribunal, they would still need cabinet approval of the resolution in Beirut, followed by ratification by parliament, which would have to convene a special session, followed by a UNSCR resolution authorizing the tribunal. Rizk said they would be lucky to ratify the authorization for a tribunal by October, by which time already half of Brammertz's extension would have passed.

RIZK PLEASED WITH BRAMMERTZ

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¶18. (C) The Ambassador asked Minister Rizk what his opinion was of Brammertz and the investigation's progress. Rizk explained that Brammertz seemed to be building a strong and thorough case. He pointed to the UNIIIC's decision this week to completely excavate the February 14 blast site, and he took the fact that Brammertz was bringing in several additional senior investigators as a sign that he was making real progress. He added that he did not think the June 15 report would contain any dramatic revelations, but was still pleased with Brammertz's progress, as well as his discreet professional demeanor.

SADR WILL FOLLOW UP ON
THE TRIBUNAL AND TWA
HIJACKER IN NEW YORK AND DC

¶19. (C) Senior justice Shukri Sadr, who, with Ralph Riachy, is coordinating UN-Lebanese efforts to establish an international court, is traveling to the U.S. this week to visit family in New York and Washington. He offered to see Nicolas Michel in New York to follow up on the UN's progress towards an international tribunal. A/S Silverberg offered to speak to the UN before his arrival in order to stress the importance of UN responsiveness on this issue, and offered a meeting with Jonathan Schwartz, the Department's legal

expert. Judge Sadr said this would be enormously helpful and thanked A/S Silverberg for her assistance. As the conversation turned to the status of wanted TWA hijacker Mohammad Ali Hamade and three other Lebanese suspects wanted in connection with the same hijacking, Sadr said he would be willing to meet in Washington with officials of the Departments of State and Justice to initiate bilateral talks on Hamade's status as well. Rizk endorsed the idea, and Sadr gave his contact information in Washington to A/S Silverberg and emboff. They tentatively set a date to meet at the Department on May 22.

AMCIT KELSEY KLOTZ

¶10. (C) A/S Silverberg also raised the issue of the custody of AMCIT Kelsey Klotz and urged the Minister to ensure that the judgement of the Lebanese courts was enforced. Rizk was familiar with the case, but said that Lebanese courts have already passed the same ruling as the American courts, and that as Minister of Justice, there was little else he could do. He acknowledged that Klotz is in Baalbek in Hizballah controlled territory, but that it is now up to Minister of the Interior Ahmed Fatat to ensure Klotz's safe return.

¶11. (U) A/S Silverberg has cleared this cable.

FELTMAN